

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA, Plaintiff : Cr: 99-295
vs. :
DAVID VEGA MOLINA, Defendant :

DEFENDANT'S INFORMATIVE MOTION REGARDING
THREATENED TRANSFERS OUT OF THE JURISDICTION

Defendant, David Vega Molina, by and through his undersigned counsel, hereby informs the Court of the content of a letter sent this week to the US Marshal's Service and the Bureau of Prisons regarding Mr. Vega Molina's pretrial status. What follows is an electronic copy of a letter sent by US Mail to the persons indicated therein, with the exception of the Court, which will receive this electronic copy only.

ELECTRONIC COPY OF TEXT OF LETTER
SENT TO MDC GUAYNABO AND US MARSHALS SERVICE

2 julio 2006

Carlos Martínez
MDC Guaynabo
División Legal
PO Box 2146
San Juan, Puerto Rico
00922

re: David Vega Molina, Reg. No. 14355-069.

Dear Mr. Martínez:

This is to follow up on our phone conversation last week, in which I complained that Mr. Vega, a pretrial detainee, had been taken from MDC and was about to be shipped out of Puerto Rico. You indicated to me that if he is a pretrial detainee, he should be in the custody of the U.S. Marshals. Thanks to the prompt intervention of AUSA Antonio Bazán with the Marshals, Mr. Vega was removed from the flight for which he had already been transported to the plane.

Since we spoke, I have learned that this is the second time in recent weeks that this has happened to Mr. Vega. He has further informed me that at MDC he is being held as a sentenced prisoner serving a life sentence. This is not the case. When he was ordered transferred from FPC Coleman to Puerto Rico, it was with an explicit order from the Hon. Daniel Domínguez that he was to be transferred as a pre-trial detainee. This is because his previous conviction was VACATED by the Court of Appeals last year.

Mr. Vega's case is at a critical stage where I must be able to meet and consult with Mr. Vega about important decisions. If Mr. Vega's records at MDC correctly reflect his status, there is no reason to release him to the Marshals for transportation out of Puerto Rico. Please verify those records and inform me whether they reflect the fact that Mr. Vega is a pretrial detainee, and if they do not, advise me at once.

I would appreciate your cooperation in preventing any further trips to the airport, and any conditions or treatment inappropriate for a pretrial detainee, for Mr. Vega.

Thank you for your assistance.

Sincerely,

Linda Backiel

cc: The Hon. Daniel Domínguez
Herman Wirsching, US Marshal
AUSA Antonio Bazán

END OF ELECTRONIC COPY OF TEXT OF LETTER

WHEREFORE, for all the reasons expressed above, it is respectfully requested that the Court take note of the foregoing and any action it may deem appropriate.

CERTIFICATION

I hereby certify that the foregoing was filed using the Court's electronic filing system, which will

automatically send copies to all counsel of record.

s/ Linda A. Backiel
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COUNSEL FOR DEFENDANT